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In File

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-391
Date Received: 11/2/1989
Receipt No: W006606
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES W HASTIE
PO BOX 444
2150 OLD HORNET RD
COUNCIL ID USA 83612

Phone: (208) 253-6402

CLYDEA N HASTIE
PO BOX 444
2150 OLD HORNET RD
COUNCIL ID USA 83612

Phone: (208) 253-6402

2. Date of Priority: 05/01/1900

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01W	31	NW NE	ADAMS	

5. Description of diverting works:

HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.8	

7. Total Quantity Appropriated is:
0.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	5	NW	NW	IRRIGATION	19
			SW	NW	IRRIGATION	33
					Section Acres	52
16N	01W	6	NE	NE	IRRIGATION	30
			SE	NE	IRRIGATION	15
			NE	SE	IRRIGATION	3
					Section Acres	48
17N	01W	31	SW	SE	IRRIGATION	1
			SE	SE	IRRIGATION	38
					Section Acres	39
17N	01W	32	SW	SW	IRRIGATION	6
					Section Acres	6
					Total Acres	145

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 9/17/2002

INDICATED THE LOCATION OF THE POINT OF DIVERSION. DELETED SOME PLACES OF USE.
INDICATED NUMBER OF IRR. ACRES PER QUARTER, QUARTER.
SEE A67-00381 FOR MAP.

15. Basis of Claim: Decreed

10/14/98

ACCOUNT NUMBER

1

ENCLOSED IS NOTICE OF CHANGE OF WATER CHANGE AND A COPY OF THE
RECORDED WARRANTY DEED.

IDR WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082

TIMBERLINE TITLE & ESCROW, INC
ESCROW COLLECTION DEPT.
P.O. BOX 6, 204 ILLINOIS
COUNCIL ID 83612

See maps in 67-390 + 67-381.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

OCT 16 1998

WATER RESOURCES
WESTERN NEW YORK

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____.
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
 Assigned by IDWR: A67-00318ND, A67-00408, A67-11212, A67-00390,
A67-00391, A67-00392, A67-04584 ^{P.D.}

☐ Name and Address of Former Owner/Claimant(s)(Seller): JESSIE J. MORITZ

☐ New Owner/Claimant (Purchaser): JAMES W. HASTIE and CLYDEA N. HASTIE,

☐ New Mailing Address: P.O. Box 444 2150 Old Hornet Rd
Council, Idaho 83612 Council 83612

☐ New Telephone Number: (208) 253-6402

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) [Signature] Date 6-4-91

☐ Signature of Former Owner/Claimant(s): [Signature] Date 6-4-91

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

WARRANTY DEED

FOR VALUE RECEIVED, JESSIE J. MORITZ, a widow, the grantors, hereby grant, bargain, sell and convey unto

JAMES W. HASTIE and CLYDEA N. HASTIE, husband and wife

the grantee(s), whose current address is: P.O. Box 444 Council ID 83612
the following described premises, being situate in Adams County, Idaho, to-wit:

In Township 16 North, Range 1 West, Boise Meridian:

Section 5: S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 4

Section 6: Lots 1, 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$

In Township 16 North, Range 2 West, Boise Meridian:

Section 1: Lots 1, 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$

In Township 17 North, Range 1 West, Boise Meridian:

Section 31: S $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 2 and 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 4

Section 32: S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

EXCEPTING from the above described land that certain tract of land deeded to the State of Idaho recorded August 24, 1940, as Instrument No. 25645 in Book 17 of Deeds at page 18 and also recorded September 6, 1940 as Instrument No. 25693 in Book 17 of Deeds at page 45 of official records of Adams County, Idaho.

Including all water and ditch rights appurtenant thereto or used in connection therewith, and including any easements or rights of ways appurtenant to or used for the benefit of, or dedicated to said described premises. Subject to easements, rights of ways, reservations and exceptions, if any.

Said property is conveyed "as is" under existing boundary fences, if any, after reasonable inspection by the grantee, and grantor does not make any representations or warranties as to the qualifications or suitability of said land or premises for water or electrical power, or as to said land or improvements meeting any Federal, State, or local laws, rules or regulations pertaining to zoning, building, subdividing, platting, surveys, planning and use, health, ecology, drainage, irrigation, water quality, sewage or disposal systems, hazardous materials and toxic wastes. Grantor makes no warranties as to surveys, boundaries, or any matter mentioned in this paragraph. There are no warranties, express or implied, as to merchantability, in a general sense or for a particular purpose, except as herein contained in writing, if any.

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said Grantees, their heirs or assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances, except as may be otherwise agreed, and they will warrant and defend the same from all lawful claims whatsoever.

DATED this 4 day of June, 1991.

Jessie J. Moritz

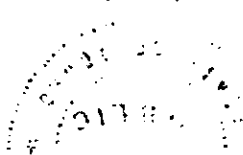
WARRANTY DEED

INSTRUMENT NO. 93254
PAGE 2 OF 2

STATE OF IDAHO,)
) ss.
County of Adams.)

On this 4 day of June, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared JESSIE J. MORITZ, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


Anna M. Mair
Notary Public for State of Idaho;
Residing at Council, Idaho.

INSTRUMENT NO. 93254
State of Idaho)
County of Adams) ss.

Filed for record at the request of
Timberline Title & Escrow
50 min. past 2 o'clock P.M.
this 30 day of Dec, 1997

MICHAEL FISK, RECORDER
by Deputy
Deputy

Fee \$6.00

WARRANTY DEED

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-391

WATER RIGHT NUMBER: 67-391

Owner Type Name and Address

Current Owner B M HOLT

, ZZ

Priority Date: 05/01/1900

Basis: Decreed

Status: Active

Source

HORNET CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.800 CFS

Annual VolumeTotal Diversion: 0.800 CFSLocation of Point(s) of Diversion

HORNET CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	01W	5						X	X										
16N	01W	6	X	X	X	X	X	X	X	X					X	X			
16N	02W	1	X			X													
17N	01W	31															X	X	
17N	01W	32	X	X							X	X							

Conditions of Approval:Remarks:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00391
Date Received: 11/02/1989
Receipt No: W006606
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEWEY MORITZ 208-253-4717
Address: PO BOX 85
COUNCIL, ID 83612

Name: JESSIE J. MORITZ
Address: PO BOX 85
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1900

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	31	NW	NE			ADAMS

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 435.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100-1000 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16N	01W	5	NW		NW		IRR	19.0
			SW		NW		IRR	33.0
					Section Acres			52.0
		6	NE		NE		IRR	30.0
			SE		NE		IRR	15.0
			NE		SE		IRR	3.0
					Section Acres			48.0
		31	SW		SE		IRR	1.0
			SE		SE		IRR	38.0
						Section Acres		
32	SW			SW		IRR	6.0	
				Section Acres			6.0	
			Total Acres			145.0		

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A67-00381, A67-00390, A67-00392, A67-04584

14. Remarks:

INDICATED THE LOCATION OF THE POINT OF DIVERSION. DELETED SOME PLACES OF USE. INDICATED NUMBER OF IRR. ACRES PER QUARTER, QUARTER.

SEE A67-00381 FOR MAP.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jessie J. Maule Date: 11/2/89
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of Nov 19 89

Linda A. Werner
Notary Public

Seal

Linda A. Werner
Residing at Residing at Boise, Idaho
My Commission Expires December 8, 1994
My Commission Expires

MEMO TO FILE

April 9, 2002

REF: OWNERSHIP CHANGES: 67-381, 67-390, 67-391, 67-392 & 67-4584

Agent: Ron Howerton *Rh*

I received an ownership change March 8, 2002 from a backlog of problem ownerships that was received at Western Region October 16, 1998.

Note to agent reviewing these claims for director's report:

- Maps were pre-prepared in a draft status in order to complete an ownership change. Agent review will be needed before final recommendations.

REVIEW OF OWNERSHIP CHANGE REQUEST:

The ownership change listed additional water right numbers, however...

- 67-318: (Doesn't apply) could have been a transposed typo, because I found an additional claim not listed on the ownership form, 67-381.
- 67-408: Ownership not changed nor transferred from Hornet Creek Storage Assn.
- 67-11212 (*Partial* ~~Parcel~~ decreed) ok to be changed at State office for stock water uses.

The legal descriptions described in the Warranty Deed from Moritz to Hastie do reflect enough evidence to change the ownership. The decreed claims, 67-381, 67-390, 67-391, 67-392 are ambiguous because the number of acres were not decreed. Statutory claim 67-4584 is also ambiguous in the number and location.

NOTE: I digitized draft maps for each claim, based upon the original owners map. (Filed in 67-381 file) A draft overlap map is also included. Specific information shown below:

- For prior decreed claims 67-390, 67-391 & 67-392: The number of acres in each $\frac{1}{4}$ $\frac{1}{4}$ tract varies, for the total 145 acres claimed. I have found 145 draft-irrigated acres.
- For prior decreed claim 67-381: The number of acres in each $\frac{1}{4}$ $\frac{1}{4}$ tract varies for the total 48 acres claimed. I have found 44 draft-irrigated acres. The SESW tract appeared to have been over claimed. (Again, digitizing the tract were specific to original claimants map)
- For claim 67-4584: The number of acres in each $\frac{1}{4}$ $\frac{1}{4}$ tract varies, for the 146 total acres claimed. I have found 146 draft-irrigated acres.